

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THOMAS BRYANT,

Plaintiff,

-v-

MICHAEL CAPRA, *et al.*,

Defendants.

No. 18-CV-10198 (KMK)

ORDER

KENNETH M. KARAS, United States District Judge:

On January 31, 2020, the Court granted Defendants' Motion To Dismiss the Second Amended Complaint ("SAC"). (Dkt. No. 49.) The Court dismissed some of Plaintiff's claims with prejudice and some without prejudice and gave Plaintiff 30 days to file a third amended complaint addressing the deficiencies identified in the Opinion & Order as to the claims that were dismissed without prejudice. (*Id.*) However, that Opinion & Order was inadvertently not mailed to Plaintiff. Therefore, the Court provides Plaintiff with 30 days from the date of *this* Order to file a third amended complaint.

Accordingly, it is hereby:

ORDERED that the Clerk of Court mail a copy of the Court's January 31, 2020 Opinion & Order, (Dkt. No. 49), to Plaintiff.

ORDERED that Plaintiff file a third amended complaint addressing the deficiencies noted in the Court's January 31, 2020 Opinion & Order by April 3, 2020 if he wishes to continue litigating this case. Failure to timely amend may result in the dismissal of Plaintiff's remaining claims with prejudice. *See Armstrong v. Guccione*, 470 F.3d 89, 103 n.1 (2d Cir. 2006) (noting

that “a federal district court has the inherent power to dismiss a case *sua sponte* for failure to prosecute” (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626 630–32 (1962)).

The Clerk of Court is directed to mail a copy of this Order to Plaintiff.

SO ORDERED.

DATED: March 3, 2020  
White Plains, New York

A handwritten signature in black ink, appearing to read 'K. Karas', is written over a horizontal line.

KENNETH M. KARAS  
UNITED STATES DISTRICT JUDGE